

REMARKS

Claims 1, 3 to 36, 38 to 48 and 50 to 75 are pending. The Examiner withdrew claims 7 to 11, 30 to 32, 34, 39 to 41, 44, 54 to 58, 66 to 68, 70, and 73 to 75 as being drawn to a non-elected species. Claims 1, 3, 36, 38, 42, 43, 45, and 72 have been amended. After entry of the amendments, claims 1, 3 to 36, 38 to 48, and 50 to 75 will be pending and claims 1, 3 to 6, 12 to 29, 33, 35, 36, 38, 42, 43, 45 to 48, 50 to 53, 59 to 65, 69, 71, and 72 will be under examination.

The Examiner rejected all of the pending claims as either being anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,979,951 to Simpson or under 35 U.S.C. § 103(a) as unpatentable over Simpson.

Applicant respectfully traverses this rejection of the claims. Although Applicant disagrees with the Examiner, the independent claims 1, 36, 42, 43, 45, and 72 have been amended to recite features that are neither disclosed by Simpson nor obvious over Simpson. Specifically, Claim 1 is directed to a catheter having first, second and third elongate tubular bodies and recites that the third elongate tubular body is “moveable over a limited range of motion from a proximal position where the distal end of the third elongate tubular body is proximal of the proximal end of the second elongate tubular body to a distal position where the distal end of the third elongate tubular body is distal of the proximal end of the second elongate tubular body” and “wherein the proximal end of the third elongate tubular body is maintained within the lumen of the first elongate tubular body over the entire limited range of motion”. Simpson does not disclose or teach a catheter having first, second and third elongate tubular bodies having the features required by claim 1.

Claim 36 is directed to a catheter having first, second and third elongate tubular bodies and recites that the third elongate tubular body is “configured to move between a first proximal position and a second distal position, the distal end of the third elongate tubular body being between the distal end of the first tubular body and the proximal end of the second tubular body when the third elongate tubular body is in the first proximal position and being within the lumen of the second tubular body when the third elongate tubular body is in the second distal position” and “wherein the proximal end of the third elongate tubular body is maintained within the lumen of the first elongate tubular body when the third elongate tubular body is in the first proximal position and when the third elongate tubular body is in the second distal position”. Simpson does not disclose or teach a catheter having first, second and third elongate tubular bodies having the features required by claim 36.

Claim 42 is directed to an assembly for delivering a catheter having first, second and third elongate tubular bodies and recites that the third elongate tubular body is “moveable over a limited range of motion from a proximal position where the distal end of the third elongate tubular body is proximal of the proximal end of the second elongate tubular body to a distal position where the distal end of the third elongate tubular body is within the lumen of the second elongate tubular body and where the proximal end of the third elongate tubular body is within the lumen of the first elongate tubular body”. Simpson does not disclose or teach a catheter having first, second and third elongate tubular bodies having the features required by claim 42.

Claim 43 is directed to an assembly comprising an embolic protection device and a catheter, the catheter having first, second and third elongate tubular bodies and recites that the lumen of the third elongate tubular body is “sized to contain the embolic protection device”, the third tubular body is “configured to be

slideable from a first position where the second and third tubular bodies are not abutting each other to a second position where the second and third tubular bodies are abutting each other”, where the embolic protection device is “moveable from the lumen of the third elongate tubular body to the lumen of the second elongate tubular body when the third elongate tubular body is in the second position”, and where the “proximal end of the third elongate tubular body is maintained within the lumen of the first elongate tubular body in both the first and second positions”. Simpson does not disclose or teach a catheter having first, second and third elongate tubular bodies having the features required by claim 43.

Claim 45 is directed to a method for positioning a catheter and includes providing a catheter having first, second and third elongate tubular bodies and recites that the third elongate tubular body is “moveable over a limited range of motion from a proximal position where the distal end of the third elongate tubular body is proximal of the proximal end of the second elongate tubular body to a distal position where the distal end of the third elongate tubular body is distal of the proximal end of the second elongate tubular body” and “wherein the proximal end of the third elongate tubular body is maintained within the lumen of the first elongate tubular body over the entire limited range of motion”. Simpson does not disclose or teach a catheter having first, second and third elongate tubular bodies having the features required by claim 45.

Claim 72 is directed to a method for positioning a catheter within a patient’s blood vessel and includes providing a catheter having first, second and third elongate tubular bodies and recites that the third elongate tubular body is “configured to move between a first proximal position and a second distal position, the distal end of the third elongate tubular body being between the distal end of the first tubular body and the proximal end of the second tubular body when the third elongate tubular body is in the first proximal position and being

within the lumen of the second tubular body when the third elongate tubular body is in the second distal position” and “wherein the proximal end of the third elongate tubular body is maintained within the lumen of the first elongate tubular body when the third elongate tubular body is in the first proximal position and when the third elongate tubular body is in the second distal position”. Simpson does not disclose or teach a catheter having first, second and third elongate tubular bodies having the features required by claim 72.

Based on the foregoing Applicant respectfully submits that claims 1, 36, 42, 43, 45, and 72, the only remaining independent claims, are allowable and requests that the rejection of those claims be withdrawn. All of the remaining claims depend from these claims and are allowable for at least these same reasons.

In view of the amendments and remarks above, Applicant respectfully requests that the Examiner withdraw this rejection of the claims.

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Respectfully submitted, ✓

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